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MAR 24 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: HONDA
Application No. 10/663,480
Filed: September 15, 2003
For: VIRTUALIZATION CONTROLLER
AND DATA TRANSFER CONTROL
METHOD

DECISION ON PETITION
FOR ACCELERATED
EXAMINATION UNDER
M.P.E.P. §708.02(VIII) & 37 C.F.R. 102(d)

This is a decision on the petition filed **November 17, 2004** under 37 C.F.R. 102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

- (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

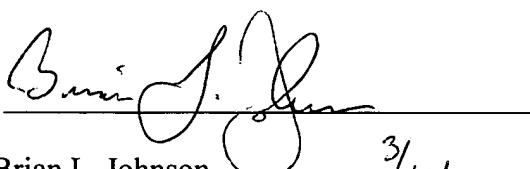
The petition filed November 17, 2004 fails to adequately meet requirements (e) of the criteria set forth above. With respect to requirement (e), applicant must provide a detailed discussion of the reference documents. The applicant has deemed which references are considered most closely related; however, he makes a single statement of what is considered missing from the references on page 5 at the beginning of section B. The application has 5 independent claims (claims 1, 10, 16, 19 and 24). The statement of the features missing from the cited references appears to be present in claims 1, 10 and 16; however, all of the features are not present in claims 19 and 24. For example, in claim 19 does not indicate that when data stored in the first storage area is transferred to a second storage area in one of the storage devices, the processor correlate the first identification information with a third identification information for identifying the second storage area and registers the first identification information and the third identification information in the volume mapping information. Also, in claim 24, no reference is made to the third identification information.

The submission does not satisfy the requirement, as it does not provide a **detailed discussion of the references and it does not point out how the claimed subject matter is patentable over the references**. Petitioner should ensure that the above discussion is directed to how the language of **each** of the independent claims is specifically distinguishable and patentable from the references provided in requirement (d) above.

Petition to Make Special **DISMISSED**; since, all of the requirements for special status under MPEP § 708.02(VIII) have not been met.

Petitioner is given one month to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.



3/17/05
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